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BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: P/AL-5/09

ATTY/TYPIST: AL:seg

BRIEF DESCRIPTION:

1 AN ACT Relating to source separation and universal collection of
2 source separated recyclable materials and products, organic materials
3 and residual wastes in order to reduce greenhouse gases, amending
4 chapter 70.95 RCW, chapter 81.77 RCW and chapter 82.18 RCW and adding
5 new sections to chapter 70.95 RCW and chapter 82.18 RCW.
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
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11 1. **Sec.** RCW 70.95.010 and 2002 c 299 s 3 are each amended to read
12 as follows:

13 **RCW Caption:** Legislative finding--Priorities--Goals.
14

15 The legislature finds:

16 (1) Continuing technological changes in methods of manufacture,
17 packaging, and marketing of consumer products, together with the

1 economic and population growth of this state, the rising affluence of
2 its citizens, and its expanding industrial activity have created new
3 and ever-mounting problems involving disposal of garbage, refuse, and
4 solid waste materials resulting from domestic, agricultural, and
5 industrial activities.

6 (2) Traditional methods of disposing of solid wastes in this
7 state are no longer adequate to meet the ever-increasing problem.
8 Improper methods and practices of handling and disposal of solid
9 wastes pollute our land, air and water resources, blight our
10 countryside, adversely affect land values, and damage the overall
11 quality of our environment.

12 (3) Considerations of natural resource limitations, energy
13 shortages, economics and the environment make necessary the
14 development and implementation of solid waste recovery and/or
15 recycling plans and programs.

16 (4) Waste reduction must become a fundamental strategy of solid
17 waste management. It is therefore necessary to change manufacturing
18 and purchasing practices and waste generation behaviors to reduce the
19 amount of waste that becomes a governmental responsibility.

20 (5) ~~Source separation of waste must become a fundamental~~
21 ~~strategy of solid waste management. Collection and handling~~
22 ~~strategies should have, as an ultimate goal, the s~~Source separation
23 of all materials with resource value or environmental hazard is
24 necessary to protect human health and the environment.

25
26 NEW SECTION 70.95.013- Responsibilities assigned

27 (61) (a) It ~~should be the goal~~is the responsibility of every
28 person and business to minimize their production of wastes, ~~and~~ to
29 separate recyclable or hazardous materials from mixed waste and

1 | participate in universally available materials collection programs.

2 | (b) It is the responsibility of state, county, and city
3 | governments to provide for a waste management infrastructure to fully
4 | implement waste reduction and source separation strategies and to
5 | process and dispose of remaining wastes in a manner that is
6 | environmentally safe and economically sound. It is further the
7 | responsibility of state, county, and city governments to monitor the
8 | cost-effectiveness and environmental safety of combusting separated
9 | waste, processing mixed municipal solid waste, and recycling
10 | programs.

11 | (c) It is the responsibility of county and city governments to
12 | assume primary responsibility for solid waste management and to
13 | develop and implement aggressive and effective waste reduction and
14 | source separation strategies.

15 | (d) It is the responsibility of state government to ensure that
16 | local governments are providing adequate source reduction and
17 | separation opportunities and incentives to all, including persons in
18 | both rural and urban areas, and nonresidential waste generators such
19 | as commercial, industrial, and institutional entities, recognizing
20 | the need to provide flexibility to accommodate differing population
21 | densities, distances to and availability of recycling markets, and
22 | collection and disposal costs in each community; and to provide
23 | county and city governments with adequate technical resources to
24 | accomplish this responsibility.

25 | _____
26 | (7)e Environmental and economic considerations in solving the
27 | state's solid waste management problems requires strong consideration
28 | by local governments of regional solutions and intergovernmental
29 | cooperation.

1
2 NEW SECTION - 70.95.015 Solid waste management priorities

3 (8) The following priorities are established for the collection,
4 handling, and management of solid waste ~~are necessary and should and~~
5 will be followed in descending order as applicable:

6 (a) Waste reduction;

7 (b) Recycling, with source separation of recyclable materials as
8 the preferred method;

9 (c) Energy recovery, incineration, or landfill of separated
10 waste;

11 (d) Energy recovery, incineration, or landfill of mixed
12 municipal solid wastes.

13 NEW SECTION RCW 70.95.017 - goals, strategies, requirements

14 (~~9~~1) It is the state's goal to achieve ~~an~~ fifty eighty percent
15 recycling rate by 2020~~07~~.

16 (2) To accomplish this goal, it is the overall solid waste
17 management strategy of the state that source separation of recyclable
18 materials and products, organic material and residuals shall be
19 practiced by all persons and universal collection services shall be
20 provided to eliminate disposal of recyclable, compostable and
21 disgestable materials and assure their reutilization.

22
23 (~~10~~4) It is the state's goal that programs be established to
24 eliminate residential or commercial yard debris in landfills by 2012
25 in those areas where alternatives to disposal are readily available
26 and effective.

27 (11) Steps should be taken to make recycling at least as
28 affordable and convenient to the ratepayer as mixed waste disposal.

29 (125) It is necessary to compile and maintain adequate data

1 on the types and quantities of solid waste that are being generated
2 and to monitor the effectiveness of theses goals and strategies, how
3 the various types of solid waste are being managed.

4 (136) Vehicle batteries ~~should~~shall be recycled and the
5 disposal of vehicle batteries into landfills or incinerators ~~should~~
6 shall be discontinued.

7 (147) Excessive and nonrecyclable packaging of products should
8 be avoided.

9 (815) Comprehensive education ~~should~~shall be conducted
10 throughout the state so that people are informed of the ~~need~~
11 requirements to reduce, source separate, and recycle solid waste.

12 (916) ~~All g~~Governmental entities in the state ~~should set an~~
13 ~~example by implementing shall participate in source aggressive waste~~
14 ~~reduction, source separation~~ and recycling programs developed in the
15 various communities where they are located, unless they have already
16 established waste reduction and recycling programs that achieve equal
17 or greater rates of material diversion. at their workplaces and by

18 (10) All governmental entities shall purchas~~ing~~ products that
19 are made from recycled materials and are recyclable.

20 (1147) To ensure the safe and efficient operations of solid
21 waste disposal facilities, it is necessary for operators and
22 regulators of landfills and incinerators to receive training and
23 certification.

24 (128) It is necessary to provide adequate funding to all levels
25 of government so that successful waste reduction and recycling
26 programs can be implemented.

27 (139) The development of stable and expanding markets for
28 recyclable materials is critical to the long-term success of the
29 state's recycling goals. Market development must be encouraged on a

1 state, regional, and national basis to maximize its effectiveness.
2 The state shall assume primary responsibility for the development of
3 a multifaceted market development program to carry out the purposes
4 of this act.

5 | (1420) There is an imperative need to anticipate, plan for, and
6 accomplish effective storage, control, recovery, and recycling of
7 discarded tires and other problem wastes with the subsequent
8 conservation of resources and energy.

9 [2002 c 299 § 3; 1989 c 431 § 1; 1985 c 345 § 1; 1984 c 123 § 1;
10 1975-'76 2nd ex.s. c 41 § 1; 1969 ex.s. c 134 § 1.]
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13 1. **Sec.** RCW 70.95.020 and 2005 c 394 s 2 are each amended to read
14 as follows:

15 **RCW Caption:** Purpose.

16 The purpose of this chapter is to establish a comprehensive
17 statewide program ~~for to manage solid waste handling, post-consumer~~
18 ~~products and materials and other residuals that and solid waste~~
19 ~~recovery and/or recycling which~~ will prevent land, air, and water
20 pollution and conserve the natural, economic, and energy resources of
21 this state. To this end it is the purpose of this chapter is to:

22 | (1) ~~To a~~Assign primary responsibility for adequate solid waste
23 handling to local government, reserving to the state, however, those
24 functions necessary to assure effective programs throughout the
25 state;

26 | (2) ~~To p~~Provide for adequate planning for solid waste handling
27 by local government;

28 | (3) ~~To p~~Provide for the adoption and enforcement of basic
29 minimum performance standards for solid waste handling, including

1 that all sites where recyclable materials are generated and
2 transported from shall provide a separate container for solid waste;

3 | (4) ~~To encourage~~Encourage the development and operation of waste
4 recycling facilities needed to accomplish the management priority of
5 waste recycling, to promote consistency in the requirements for such
6 facilities throughout the state, and to ensure that recyclable
7 materials ~~diverted from the waste stream for recycling~~are routed to
8 facilities in which recycling occurs;

9 | (5) ~~To provide~~Provide technical and financial assistance to local
10 governments in the planning, development, and conduct of solid waste
11 handling programs;

12 | (6) ~~To encourage~~Encourage storage, proper disposal, and recycling of
13 discarded vehicle tires and to stimulate private recycling programs
14 throughout the state; and

15 | (7) ~~To encourage~~Encourage the development and operation of waste
16 recycling facilities and activities needed to accomplish the
17 management priority of waste recycling and to promote consistency in
18 the permitting requirements for such facilities and activities
19 throughout the state.

20 | ~~(8) EncourageIt is the intent of the legislature that~~ local
21 governments ~~be encouraged~~ to use the expertise of private industry
22 and to contract with private industry to the fullest extent possible
23 to carry out solid waste recovery and/or recycling programs.

24 [2005 c 394 § 2. Prior: 1998 c 156 § 1; 1998 c 90 § 1; 1985 c 345 §
25 2; 1975-'76 2nd ex.s. c 41 § 2; 1969 ex.s. c 134 § 2.]

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27 **NOTES:**
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29 **Intent--Severability--2005 c 394:** See notes following RCW

1 70.95.400.

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4 2. **Sec.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to read
5 as follows:

6 **RCW Caption:** Definitions.

7 As used in this chapter, unless the context indicates otherwise:

8 (1) "Anaerobic digestion" means processes in which
9 microorganisms break down biodegradable material in the absence of
10 oxygen, resulting in the production a methane and carbon dioxide
11 rich biogas suitable for energy production or use as fuel, and
12 inorganic nutrients in the effluent that can be used as fertilizer.

13 ~~(21)~~ "City" means every incorporated city and town.

14 ~~(32)~~ "Commission" means the utilities and transportation
15 commission.

16 ~~(43)~~ "Committee" means the state solid waste advisory committee.

17 ~~(54)~~ "Composted material" means organic solid waste that has
18 been subjected to controlled aerobic degradation at a solid waste
19 facility in compliance with the requirements of this chapter.
20 Natural decay of organic solid waste under uncontrolled conditions
21 does not result in composted material.

22 ~~(65)~~ "Department" means the department of ecology.

23 ~~(76)~~ "Director" means the director of the department of ecology.

24 ~~(87)~~ "Disposal site" means the location where any final
25 treatment, utilization, processing, or deposit of solid waste occurs.

26 (9) "Diversion" means to turn materials away from disposal sites
27 for use. Materials used for energy recovery or daily landfill cover
28 or are incinerated are not considered diverted from disposal sites.

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1 | (~~810~~) "Energy recovery" means a process operating under federal
2 | and state environmental laws and regulations for converting solid
3 | waste into usable energy and for reducing the volume of solid waste.

4 | (~~119~~) "Functional standards" means criteria for solid waste
5 | handling expressed in terms of expected performance or solid waste
6 | handling functions.

7 | (~~120~~) "Incineration" means a process of reducing the volume of
8 | solid waste operating under federal and state environmental laws and
9 | regulations by use of an enclosed device using controlled flame
10 | combustion.

11 | (~~134~~) "Inert waste landfill" means a landfill that receives only
12 | inert waste, as determined under RCW 70.95.065, and includes
13 | facilities that use inert wastes as a component of fill.

14 | (~~142~~) "Jurisdictional health department" means city, county,
15 | city-county, or district public health department.

16 | (~~153~~) "Landfill" means a disposal facility or part of a facility
17 | at which solid waste is placed in or on land and which is not a land
18 | treatment facility.

19 | (~~164~~) "Local government" means a city, town, or county.

20 | (17) "Material recovery facility" means any facility that
21 | collects, compacts, repackages, sorts or processes in preparation
22 | for transport source separated solid waste for the purpose of
23 | recycling.

24 | (~~4518~~) "Modify" means to substantially change the design or
25 | operational plans including, but not limited to, removal of a design
26 | element previously set forth in a permit application or the addition
27 | of a disposal or processing activity that is not approved in the
28 | permit.

29 | (~~4619~~) "Multiple family residence" means any structure housing

two or more dwelling units.

(1720) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(1821) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, ~~such as papers, metals, and glass,~~ that are identified as recyclable material pursuant to section 70.95.080 (2) of this chapter as adopted within a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify additional recyclable materials by ordinance, ~~from July 23, 1989.~~

(1922) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(2023) "Residence" means the regular dwelling place of an individual or individuals.

(2124) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(2225) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

1 (2326) "Solid waste" or "wastes" means all putrescible and
2 nonputrescible solid and semisolid wastes including, but not limited
3 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
4 demolition and construction wastes, abandoned vehicles or parts
5 thereof, and recyclable materials.

6 (2427) "Solid waste handling" means the management, storage,
7 collection, transportation, treatment, utilization, processing, and
8 final disposal of solid wastes, including the recovery and recycling
9 of materials from solid wastes, the recovery of energy resources from
10 solid wastes or the conversion of the energy in solid wastes to more
11 useful forms or combinations thereof.

12 (2528) "Source separation" means the separation of ~~different~~
13 ~~kinds of~~recyclable materials and products, organic materials, and
14 ~~toxic materials from mixed~~ solid waste residuals at the place where
15 ~~the waste originates~~those materials are generated.

16 (29) "Universal collection services" means services provided as
17 universal residential collection and universal commercial collection.

18 (30) "Universal residential collection" means the services
19 required to be provided to all citizens of the state to collect
20 source separated recyclable materials and products, organic materials
21 and residuals separately. These services shall be provided at all
22 single family and multi-family dwellings through collection companies
23 as required under RCW 81.77.

24 (31) "Universal commercial collection" means the services
25 required to be provided to all commercial businesses in the state to
26 collect source separated recyclable materials and products, organic
27 materials and residuals separately. These services shall be provided
28 at all businesses and not for profit organizations through
29 transportation services regulated under RCW 81.80.

1 | (~~2632~~) "Vehicle" includes every device physically capable of
2 | being moved upon a public or private highway, road, street, or
3 | watercourse and in, upon, or by which any person or property is or
4 | may be transported or drawn upon a public or private highway, road,
5 | street, or watercourse, except devices moved by human or animal power
6 | or used exclusively upon stationary rails or tracks.

7 | (~~2733~~) "Waste-derived soil amendment" means any soil amendment
8 | as defined in this chapter that is derived from solid waste as
9 | defined in RCW 70.95.030, but does not include biosolids or biosolids
10 | products regulated under chapter 70.95J RCW or wastewaters regulated
11 | under chapter 90.48 RCW.

12 | (~~2834~~) "Waste reduction" means reducing the amount or toxicity
13 | of waste generated or reusing materials or products without
14 | processing.

15 | (~~2935~~) "Yard debris" means plant material commonly created in
16 | the course of maintaining yards and gardens, and through
17 | horticulture, gardening, landscaping, or similar activities. Yard
18 | debris includes but is not limited to grass clippings, leaves,
19 | branches, brush, weeds, flowers, roots, windfall fruit, vegetable
20 | garden debris, holiday trees, and tree prunings four inches or less
21 | in diameter.

22 | [2004 c 101 § 1; 2002 c 299 § 4; 1998 c 36 § 17; 1997 c 213 § 1; 1992
23 | c 174 § 16; 1991 c 298 § 2; 1989 c 431 § 2; 1985 c 345 § 3; 1984 c
24 | 123 § 2; 1975-'76 2nd ex.s. c 41 § 3; 1970 ex.s. c 62 § 60; 1969
25 | ex.s. c 134 § 3.]

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27 | **NOTES:**
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29 | **Intent--1998 c 36:** See RCW 15.54.265.

~~Short title--1998 c 36: See note following RCW 15.54.265.~~

~~Finding--1991 c 298: "The legislature finds that curbside recycling services should be provided in multiple family residences. The county and city comprehensive solid waste management plans should include provisions for such service." [1991 c 298 § 1.]~~

Solid waste disposal--Powers and duties of state board of health as to environmental contaminants: RCW 43.20.050.

8-3. **Sec.** RCW 70.95.070 and 1975-'76 2nd ex.s. c 41 s 4 are each amended to read as follows:

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RCW Caption: Review of standards prior to adoption--Revisions, additions and modifications--Factors.

The solid waste advisory committee shall review prior to adoption and shall recommend revisions, additions, and modifications to the minimum functional standards governing solid waste handling relating, but not limited to, the following:

(1) Vector production and sustenance.

(2) Air pollution (coordinated with regulations of the department of ecology).

(3) Pollution of surface and ground waters (coordinated with the regulations of the department of ecology).

(4) Hazards to service or disposal workers or to the public.

(5) Prevention of littering.

(6) Adequacy and adaptability of disposal sites to population served.

(7) Design and operation of disposal sites.

(8) ~~Recovery and/or Source separation, collection and recycling of solid wasteservices.~~

[1975-'76 2nd ex.s. c 41 § 4; 1969 ex.s. c 134 § 7.]

~~10.4.~~ **Sec.** RCW 70.95.080 and 1985 c 448 s 17 are each amended to read as follows:

RCW Caption: County comprehensive solid waste management plan--
Joint plans--Duties of cities.

Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose of the plan is to provide for solid waste and materials reduction, collection, handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. The objective of local comprehensive plans is to ensure the following required handling methods and services occur:

(a)Source separation of materials streams by generators;

(b)Collection of source separated materials;

(c)Handling and proper preparation of materials for reuse, recycling or diversion;

(d)Handling and proper preparation of organic materials for composting or anaerobic digestions;

(e)Handling and proper disposal of non-recyclable or residual wastes.

(2)At a minimum, each plan shall identify methods that will be used to address the following:

(a)Construction and demolition waste for recycling or reuse;

(b) Yard waste and woody debris for composting or anaerobic

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1 digestion;

2 (c)Organic material including food waste and food contaminated paper
3 products for composting or anaerobic digestions;

4 (d)Paper products for recycling;

5 (e)Metals, glass and plastic products and materials for recycling

6 (f)Waste reduction strategies.

7
8 Each city shall:

9 (a1) Prepare and deliver to the county auditor of the county in
10 which it is located its plan for its own solid waste management for
11 integration into the comprehensive county plan; or

12 (b2) Enter into an agreement with the county pursuant to which
13 the city shall participate in preparing a joint city-county plan for
14 solid waste management; or

15 (c3) Authorize the county to prepare a plan for the city's solid
16 waste management for inclusion in the comprehensive county plan.

17 (5) Two or more cities may prepare a plan for inclusion in the
18 county plan. With prior notification of its home county of its
19 intent, a city in one county may enter into an agreement with a city
20 in an adjoining county, or with an adjoining county, or both, to
21 prepare a joint plan for solid waste management to become part of the
22 comprehensive plan of both counties.

23 (6) After consultation with representatives of the cities and
24 counties, the department shall establish a schedule for the
25 development of the comprehensive plans for solid waste management.
26 In preparing such a schedule, the department shall take into account
27 the probable cost of such plans to the cities and counties.

28 (7) Local governments shall not be required to include a
29 hazardous waste element in their solid waste management plans.

1 [1985 c 448 § 17; 1969 ex.s. c 134 § 8.]

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3 **NOTES:**

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5 **Severability--1985 c 448:** See note following RCW 70.105.005.

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8 **11-5. Sec.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to
9 read as follows:

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10 **RCW Caption:** County and city comprehensive solid waste management
11 plans--Contents.

12 Each county and city comprehensive solid waste management plan
13 shall include the following:

14 (1) A detailed inventory and description of all existing solid
15 waste handling facilities including an inventory of any deficiencies
16 in meeting current solid waste handling needs.

17 (2) The estimated long-range needs for solid waste handling
18 facilities projected twenty years into the future.

19 (3) A program for the orderly development of solid waste
20 handling facilities in a manner consistent with the plans for the
21 entire county which shall:

22 (a) Meet the minimum functional standards for solid waste
23 handling adopted by the department and all laws and regulations
24 relating to air and water pollution, fire prevention, flood control,
25 and protection of public health;

26 (b) Take into account the comprehensive land use plan of each
27 jurisdiction;

28 (c) Contain a six year construction and capital acquisition
29 program for solid waste handling facilities; and

1 (d) Contain a plan for financing both capital costs and
2 operational expenditures of the proposed solid waste management
3 system.

4 (4) A program for surveillance and control.

5 (5) A current inventory and description of solid waste
6 collection needs and operations within each respective jurisdiction
7 which shall include:

8 (a) Any franchise for solid waste collection granted by the
9 utilities and transportation commission in the respective
10 jurisdictions including the name of the holder of the franchise and
11 the address of his or her place of business and the area covered by
12 the franchise;

13 (b) Any city solid waste operation within the county and the
14 boundaries of such operation;

15 (c) The population density of each area serviced by a city
16 operation or by a franchised operation within the respective
17 jurisdictions;

18 (d) The projected solid waste collection needs for the
19 respective jurisdictions for the next six years.

20 (6) A comprehensive waste reduction and recycling element that,
21 in accordance with the priorities established in RCW 70.95.010015,
22 provides programs that (a) reduce the amount of waste generated, (b)
23 ~~provide incentives and mechanisms for~~require source separation, and
24 (c) establish reuse and recycling opportunities for the source
25 separated materials, products or waste.

26 (7) The waste reduction and recycling element shall include the
27 following:

28 (a) Waste reduction strategies;

29 (b) Source separation strategies, including:

1 (i) Programs for the collection of source separated materials
2 from residences in urban and rural areas. In urban areas, these
3 programs shall include collection of source separated recyclable
4 materials from single and multiple family residences, unless the
5 department approves an alternative program, according to the criteria
6 in the planning guidelines. Such criteria shall include:
7 Anticipated recovery rates and levels of public participation,
8 availability of environmentally sound disposal capacity, access to
9 markets for recyclable materials, unreasonable cost impacts on the
10 ratepayer over the six-year planning period, utilization of
11 environmentally sound waste reduction and recycling technologies, and
12 other factors as appropriate. In rural areas, these programs shall
13 include but not be limited to drop-off boxes, buy-back centers, or a
14 combination of both, at each solid waste transfer, processing, or
15 disposal site, or at locations convenient to the residents of the
16 county. The drop-off boxes and buy-back centers may be owned or
17 operated by public, nonprofit, or private persons;

18 (ii) Programs to monitor the collection of source separated
19 waste at nonresidential sites where there is sufficient density to
20 sustain a program;

21 (iii) Programs to collect yard waste, ~~and food waste if the~~
22 ~~county or city submitting the plan finds that there are adequate~~
23 ~~markets or capacity for composted yard waste within or near the~~
24 ~~service area to consume the majority of the material collected; and~~

25 (iv) Programs to educate rate payers about and to promote the
26 concepts of the waste reduction and recycling and the universal
27 collection programs available within the jurisdiction;

28 (c) ~~Recycling strategies, including a description of markets for~~
29 ~~recyclables, A description of the universal collection programs and~~

alternative services that will be used to collect source separated materials from residential and nonresidential sources;

(d) A review of waste generation trends and a description of waste composition;

(e) A discussion and description of existing programs and any additional programs needed to assist public and private sector participation in source separation and universal collection programs and alternative services; recycling, and

(f) A description of collection services provided to commercial generators and new services that will be required in order to provide those services to those without services available;

(g) Plans and ordinances to direct construction and demolition recyclable materials to legitimate recycling facilities for materials recovery to the extent achievable; and

(h) an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services;

(i) Other information the county or city submitting the plan determines is necessary.

~~(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.~~

(9) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

[1991 c 298 § 3; 1989 c 431 § 3; 1984 c 123 § 5; 1971 ex.s. c 293 § 1; 1969 ex.s. c 134 § 9.]

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2 **NOTES:**

3 **Finding--1991 c 298:** See note following RCW 70.95.030.
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5 Certain provisions not to detract from utilities and transportation
6 commission powers, duties, and functions: RCW 80.01.300.
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8 ~~12.6.~~ **Sec.** RCW 70.95.092 and 1989 c 431 s 4 are each amended to
9 read as follows:

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10 **RCW Caption:** County and city comprehensive solid waste management
11 plans--Levels of service, reduction and recycling.

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13 Levels of universal collection service shall be defined in the waste
14 reduction and recycling element of each local comprehensive solid
15 waste management plan and shall include the services set forth in RCW
16 70.95.090. Universal collection services shall be provided within
17 all cities of 500 population or greater and unincorporated areas with
18 a population density of XXX per square mile. Universal collection
19 services may be provided within all cities under 500 in population
20 and in unincorporated areas with a population density of XXX per
21 square mile. In determining which service level is provided to
22 residential and nonresidential waste generators in each community,
23 counties and cities shall develop clear criteria for designating
24 areas as urban or rural. In designating urban areas, local
25 governments shall consider the planning guidelines adopted by the
26 department, total population, population density, and any applicable
27 land use or utility service plans.

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28 [1989 c 431 § 4.]
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~~15.7.~~ **Sec.** RCW 70.95.100 and 1989 c 431 s 6 are each amended to read as follows:

RCW Caption: Technical assistance for plan preparation--Guidelines--
-Informational materials and programs.

(1) The department or the commission, as appropriate, shall provide to counties and cities technical assistance including, but not limited to, planning guidelines, in the preparation, review, and revision of local comprehensive solid waste management plans required by this chapter. Guidelines prepared under this section shall be consistent with the provisions of this chapter. Guidelines for the preparation of the waste reduction and recycling element of the comprehensive solid waste management plan shall be completed by the department by ~~March 15, 1990~~July 1, 2010. ~~These guidelines shall provide recommendations to local government on materials to be considered for designation as recyclable materials.~~ The state solid waste management plan prepared pursuant to RCW 70.95.260 shall be consistent with these guidelines.

(2) The department shall be responsible for development and implementation of a comprehensive statewide public information program designed to ~~encourage~~inform the public about the waste reduction, source separation, ~~and recycling~~and universal collection requirements of this chapter~~by the public~~. The department shall operate a toll free hot line to provide the public information on waste reduction and recycling.

(3) The department shall provide technical assistance to local

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1 governments in the development and dissemination of informational
2 materials and related activities to assure recognition of unique
3 local waste reduction and recycling programs.

4 (4) Local governments shall make all materials and information
5 developed with the assistance grants provided under RCW 70.95.130
6 available to the department for potential use in other areas of the
7 state.

8 (5) The department shall provide model ordinances to local
9 governments to consider to address construction and demolition waste
10 and recyclable materials.

11 [1989 c 431 § 6; 1984 c 123 § 6; 1969 ex.s. c 134 § 10.]
12
13

14 ~~16-8.~~ **Sec.** RCW 70.95.110 and 1991 c 298 s 4 are each amended to
15 read as follows:

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16 **RCW Caption:** Maintenance of plans--Review, revisions--
17 Implementation of source separation programs.

18 (1) The local comprehensive ~~county~~ solid waste management plans
19 ~~and any comprehensive city solid waste management plans~~ prepared in
20 accordance with RCW 70.95.080 shall be maintained in a current
21 condition and reviewed and revised periodically by counties and
22 cities as may be required by the department. Upon each review such
23 plans shall be extended to show long-range needs for solid waste
24 handling facilities for twenty years in the future, and a revised
25 construction and capital acquisition program for six years in the
26 future. Each revised solid waste management plan shall be submitted
27 to the department.

28 Each plan shall be reviewed and revised within five years of
29 July 1, 2010~~1984~~, and thereafter shall be reviewed, and revised if

necessary according to the schedule provided in subsection (2) of this section.

(2) Cities and counties preparing local comprehensive solid waste management plans shall submit the waste reduction and recycling element required in RCW 70.95.090 and any revisions to other elements of its comprehensive solid waste management plan to the department no later than:

(a) July 1, 1991~~2011~~, for class one areas: ~~PROVIDED, That portions relating to multiple family residences shall be submitted no later than July 1, 1992;~~

(b) July 1, 2012~~1992~~, for class two areas; ~~and~~

(c) July 1, 1994~~2013~~, for class three areas; ~~and~~

(d) July 1, 2014 for class four areas: and

(e) July 1, 2016 for class five areas.

Thereafter, each plan shall be reviewed and revised, if necessary, at least every five years. Nothing in chapter 431, Laws of 1989 shall prohibit local governments from submitting a plan prior to the dates listed in this subsection.

(3) The classes of areas are defined as follows:

(a) Class one areas are the counties of Clark, King, Kitsap, Pierce, Snohomish, and Spokane, ~~Snohomish, King, Pierce, and Kitsap~~ and all the cities therein.

(b) Class two areas are ~~all other counties located west of the crest of the Cascade mountains~~ the counties of Benton, Franklin, Walla Walla and Yakima and all the cities therein.

(c) Class three areas are the counties ~~east of the crest of the Cascade mountains and~~ of Cowlitz, Grays Harbor, Lewis, Mason, Skagit, Thurston and Whatcom and all the cities therein; ~~except for Spokane county.~~

1 (d) Class four areas are the counties of Adams, Chelan, Clallam,
2 Douglas, Grant, Kittitas, Klickitat, and Whitman and all the cities
3 therein; and

4 (e) Class five areas are the counties of Asotin, Ferry,
5 Garfield, Jefferson, Pacific, Pend Oreille, Lincoln, Okanogan,
6 Columbia, Skamania, Stevens and Wahkiakum.

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7 (4) Cities and counties shall begin implementing the universal
8 collection services and programs to collect source separated
9 materials no later than one year following the adoption and approval
10 of the waste reduction and recycling element and these programs shall
11 be fully implemented within two years of approval.

12 [1991 c 298 § 4; 1989 c 431 § 5; 1984 c 123 § 7; 1969 ex.s. c 134 §
13 11.]

14
15 **NOTES:**

16 **Finding--1991 c 298:** See note following RCW 70.95.030.

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19 ~~17.9.~~ **Sec.** RCW 70.95.130 and 1969 ex.s. c 134 s 13 are each
20 amended to read as follows:

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21 **RCW Caption:** Financial aid to counties and cities.

22 Any county may apply to the department on a form prescribed
23 thereby for financial aid for the preparation of the comprehensive
24 county plan for solid waste management required by RCW 70.95.080.
25 Any city electing to prepare an independent city plan, a joint city
26 plan, or a joint county-city plan for solid waste management for
27 inclusion in the county comprehensive plan may apply for financial
28 aid for such purpose through the county. Every city application for
29 financial aid for planning shall be filed with the county auditor and

1 shall be included as a part of the county's application for financial
2 aid. ~~Any city preparing an independent plan shall provide for~~
3 ~~disposal sites wholly within its jurisdiction.~~

4 The department shall allocate to the counties and cities
5 applying for financial aid for planning, such funds as may be
6 available pursuant to legislative appropriations or from any federal
7 grants for such purpose.

8 The department shall determine priorities and allocate available
9 funds among the counties and cities applying for aid according to
10 criteria established by regulations of the department considering
11 population, urban development, environmental effects of waste
12 disposal, existing waste handling practices, and the local
13 justification of their proposed expenditures.

14 [1969 ex.s. c 134 § 13.]

15
16 23.10. **Sec.** RCW 70.95.167 and 1991 c 319 s 402 are each amended
17 to read as follows:

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18 **RCW Caption:** Private businesses involvement in source separated
19 materials--Local solid waste advisory committee to
20 examine.

21 (1) Each local solid waste advisory committee shall conduct one
22 or more meetings for the purpose of determining how local private
23 recycling and solid waste collection businesses may participate in
24 the development and implementation of programs to collect source
25 separated materials from residences, and to process and market
26 materials collected for recycling. The meetings shall include local
27 private recycling businesses, private solid waste collection
28 companies operating within the jurisdiction, and the local solid
29 waste planning agencies. The meetings shall be held during the

development of the waste reduction and recycling element or no later than one year prior to the date that a jurisdiction is required ~~to~~to submit the element under RCW 70.95.110(2).

(2) The meeting requirement under subsection (1) of this section shall apply whenever a city or county develops or amends the waste reduction and recycling element required under this chapter. Jurisdictions having approved waste reduction and recycling elements or having initiated a process for the selection of a service provider as of May 21, 1991, do not have to comply with the requirements of subsection (1) of this section until the next revisions to the waste reduction and recycling element are made or required.

(3) After the waste reduction and recycling element is approved by the local legislative authority but before it is submitted to the department for approval, the local solid waste advisory committee shall hold at least one additional meeting to review the element.

(4) For the purpose of this section, "private recycling business" means any private for-profit or private not-for-profit business that engages in the processing and marketing of recyclable materials or reclaiming materials and usable products for reuse.

[1991 c 319 § 402.]

NOTES:

Severability--Part headings not law--1991 c 319: See RCW 70.95F.900 and 70.95F.901.

~~31.11.~~ **Sec.** RCW 70.95.212 and 1993 c 300 s 3 are each amended to read as follows:

RCW Caption: Solid waste collection companies--Notice of changes in

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1 tipping fees and disposal rate schedules.

2 To provide solid waste collection companies with sufficient time
3 to prepare and submit tariffs and rate filings for public comment and
4 commission approval, the owner or operator of a materials recovery
5 facility, transfer station, landfill, or facility used to burn solid
6 waste shall provide seventy-five days' notice to solid waste
7 collection companies of any change in tipping fees and disposal rate
8 schedules. The notice period shall begin on the date individual
9 notice to a collection company is delivered to the company or is
10 postmarked.

11 A collection company may agree to a shorter notice period:
12 PROVIDED, That such agreement by a company shall not affect the
13 notice requirements for rate filings under RCW 81.28.050.

14 The owner of a materials recovery facility, transfer station,
15 landfill or facility used to burn solid waste may agree to provide
16 companies with a longer notice period.

17 "Solid waste collection companies" as used in this section means
18 the companies regulated by the commission pursuant to chapter 81.77
19 RCW.

20 [1993 c 300 § 3.]

21
22 ~~41.12.~~ **Sec.** RCW 70.95.260 and 1995 c 399 s 189 are each amended
23 to read as follows:

24 **RCW Caption:** Duties of department--State solid waste management
25 plan--Assistance--Coordination--Tire recycling.

26 The department shall in addition to its other powers and duties:

27 (1) Cooperate with the appropriate federal, state, interstate
28 and local units of government and with appropriate private
29 organizations in carrying out the provisions of this chapter.

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1 (2) Coordinate the development of a solid waste management plan
2 for all areas of the state in cooperation with local government, the
3 department of community, trade, and economic development, and other
4 appropriate state and regional agencies. The plan shall relate to
5 solid waste management for twenty years in the future and shall be
6 reviewed biennially, revised as necessary, and extended so that
7 perpetually the plan shall look to the future for twenty years as a
8 guide in carrying out a state coordinated solid waste management
9 program. The plan shall be developed into a single integrated
10 document and shall be adopted no later than ~~October 1990~~July 1, 2010.
11 The plan shall be revised at least every five years~~regularly~~ after
12 its initial completion so that local governments revising local
13 comprehensive solid waste management plans can take advantage of the
14 data and analysis in the state plan.

15 (3) Provide technical assistance to any person as well as to
16 cities, counties, and industries.

17 (4) Initiate, conduct, and support research, demonstration
18 projects, and investigations, and coordinate research programs
19 pertaining to solid waste management systems.

20 (5) Develop statewide programs to increase public awareness of
21 and participation in tire recycling, and to stimulate and encourage
22 local private tire recycling centers and public participation in tire
23 recycling.

24 (6) May, under the provisions of the Administrative Procedure
25 Act, chapter 34.05 RCW, as now or hereafter amended, from time to
26 time promulgate such rules and regulations as are necessary to carry
27 out the purposes of this chapter.

28 [1995 c 399 § 189; 1989 c 431 § 9. Prior: 1985 c 345 § 8; 1985 c 6
29 § 23; 1969 ex.s. c 134 § 26.]

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2 **NOTES:**
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4 **Study--1989 c 431:** "The institute for urban and local studies
5 at Eastern Washington State University shall conduct a study of
6 enforcement of solid waste management laws and regulations as a
7 component of the 1990 state solid waste management plan. This study
8 shall include, but shall not be limited to:

9 (1) A review of current state and local solid waste rules,
10 requirements, policies, and resources devoted to state and local
11 solid waste enforcement, and of the effectiveness of these programs
12 in promoting environmental health and public safety;

13 (2) An examination of federal regulations and the latest
14 proposed amendments to the Resource Conservation and Recovery Act, in
15 subtitle D of the code of federal regulations;

16 (3) A review of regulatory approaches used by other states;

17 (4) A review and evaluation of educational and technical
18 assistance programs related to enforcement;

19 (5) An inventory of regulatory compliance for all processing and
20 disposal facilities handling mixed solid waste;

21 (6) A review of the role and effectiveness of other enforcement
22 jurisdictions;

23 (7) An evaluation of the need for redefining institutional roles
24 and responsibilities for enforcement of solid waste management laws
25 and regulations in order to establish public confidence in solid
26 waste management systems and ensure public protection; and

27 (8) An evaluation of possible benefits in separating the solid
28 waste planning and technical assistance responsibilities from the
29 enforcement responsibilities within the department." [1989 c 431 §

96.]

42-13. **Sec.** RCW 70.95.263 and 1998 c 245 s 131 are each amended to read as follows:

RCW Caption: Additional powers and duties of department.

 The department shall in addition to its other duties and powers under this chapter:

 (1) Prepare the following:

~~_____ (a) A management system for recycling waste paper generated by state offices and institutions in cooperation with such offices and institutions;~~

~~_____ (b) An evaluation of existing and potential systems for recovery of energy and materials from solid waste with recommendations to affected governmental agencies as to those systems which would be the most appropriate for implementation;~~

~~(be) A data management system to evaluate and assist the progress of state and local jurisdictions and private industry in resource recovery meeting the goals and objectives set in section 70.95.017 of this chapter;~~

 (d) Identification of potential markets, in cooperation with private industry, for recovered resources and the impact of the distribution of such resources on existing markets;

 (e) Studies on methods of transportation, collection, reduction, separation, and packaging which will encourage more efficient utilization of existing management and materials reuse and recycling facilities ~~waste recovery~~ facilities;

 (f) Recommendations on incentives, including state grants, loans, and other assistance, to local governments which will

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~~encourage the~~increase reduction recovery, reuse and recycling of solid wastes.

(2) Provide technical information and assistance to state and local jurisdictions, the public, and private industry on source separation, universal collection system and solid waste ~~recovery and/or reduction, management and materials~~ recycling.

(3) Procure and expend funds available from federal agencies and other sources to assist the implementation by local governments of solid waste recovery and/or recycling programs, and projects.

(4) Conduct necessary research and studies to carry out the purposes of this chapter. GHG

~~(5) Encourage and assist local governments and private industry to develop pilot solid waste recovery and/or recycling projects.~~

~~(6)~~ Monitor, assist with research, and collect data for use in assessing feasibility for others to develop solid waste reduction, management, reuse and recovery and/or recycling projects.

[1998 c 245 § 131; 1975-'76 2nd ex.s. c 41 § 5.]

~~14. Sec. RCW 70.95.280 and 1989 c 431 s 13 are each amended to read as follows:~~

~~RCW Caption: Determination of best solid waste management practices Department to develop method to monitor waste stream Collectors to report quantity and quality of waste Confidentiality of proprietary information.~~

~~The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall~~

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~~conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. The department shall adopt guidelines for reporting and for keeping proprietary information confidential.~~

~~[1989 c 431 § 13, 1988 c 184 § 1.]~~

15.14. **Sec.** RCW 70.95.285 and 1988 c 184 s 2 are each amended to read as follows:

RCW Caption: Solid waste stream analysis.

 The comprehensive, statewide solid waste stream analysis under RCW 70.95.280 shall be based on representative solid waste generation areas and solid waste generation sources within the state. The following information and evaluations shall be included:

- (1) Solid waste generation rates for each category;
- (2) The rate of recycling being achieved within the state for each category of solid waste;
- (3) The current and potential rates of solid waste reduction

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1 within the state;

2 (4) A technological assessment of current solid waste reduction

3 and recycling methods and systems, including cost/benefit analyses;

4 ~~(5) An assessment of the feasibility of segregating solid waste~~

5 ~~at: (a) The original source, (b) transfer stations, and (c) the~~

6 ~~point of final disposal;~~

7 (6) A review of methods that will increase the rate of solid

8 waste reduction; and

9 (7) An assessment of new and existing technologies that are

10 available for solid waste management including an analysis of the

11 associated environmental risks and costs.

12 The data required by the analysis under this section shall be

13 ~~kept current~~ updated at least every four years and shall be available

14 to local governments and the waste management industry.

15 [1988 c 184 § 2.]

16

17

18 RCW 81.77.185 and XXXX are each amended to read as follows.

19 Recyclable materials collection — Revenue sharing.

20

21 (1) The commission shall allow solid waste collection companies

22 collecting recyclable materials to retain up to ~~thirty~~ fifty percent

23 of the revenue paid to the companies for the material if the

24 companies submit a plan to the commission that is certified by the

25 appropriate local government authority as being consistent with the

26 local government solid waste plan and that demonstrates how the

27 revenues will be used to increase recycling. The remaining revenue

28 shall be passed to residential customers.

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▲ (2) By December 2, ~~2005~~2013, the commission shall provide a report to the legislature that evaluates:

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▲ (a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and

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▲ (b) The effect of revenue sharing on costs to customers.

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[2002 c 299 § 6.]

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(3) The commission shall in conjunction with the solid waste collection companies develop a climate change financing portfolio, including the provisions of subsection (1) of this section, that provides financial incentives for the private financing of the investments necessary to capitalize the requirements of this act.

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82.18.010 and xxx are each amended to read as follows

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Definitions.

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For purposes of this chapter:

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▲ (1) "Solid waste collection business" means every person who receives solid waste and recyclable materials and products for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

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▲ (2) "Person" shall have the meaning given in RCW 82.04.030 or

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any later, superseding section.

(3) "Solid waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste ~~nor does it~~ and includes material collected primarily for recycling or salvage.

(4) "Taxpayer" means that person upon whom the solid waste collection tax is imposed.

[1989 c 431 § 78; 1986 c 282 § 6.]

82.18.020 and XXX are each amended to read as follows

Solid waste collection tax — Revenue to public works assistance account ~~and the materials management account~~ per RCW 82.18.040.

There is imposed on each person using the solid waste services of a solid waste collection business a solid waste collection tax equal to three and six-tenths percent of the consideration charged for the services.

[1989 c 431 § 79; 1986 c 282 § 7.]

RCW 82.18.040 and XXX are each amended to read as follows:

Collection of tax — Payment to state.

Taxes collected under this chapter shall be held in trust until paid to the state. Taxes received by the state shall be deposited

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1 XXX percent in the public works assistance account created in RCW
2 43.155.050 and XXX percent in the materials management account
3 created in RCW 70.95.298. Any person collecting the tax who
4 appropriates or converts the tax collected shall be guilty of a
5 gross misdemeanor if the money required to be collected is not
6 available for payment on the date payment is due. If a taxpayer
7 fails to pay the tax imposed by this chapter to the person charged
8 with collection of the tax and the person charged with collection
9 fails to pay the tax to the department, the department may, in its
10 discretion, proceed directly against the taxpayer for collection of
11 the tax.

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13 ▲ The tax shall be due from the taxpayer within twenty-five days
14 from the date the taxpayer is billed by the person collecting the
15 tax.

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16
17 ▲ The tax shall be due from the person collecting the tax at the
18 end of the tax period in which the tax is received from the
19 taxpayer. If the taxpayer remits only a portion of the total amount
20 billed for taxes, consideration, and related charges, the amount
21 remitted shall be applied first to payment of the solid waste
22 collection tax and this tax shall have priority over all other
23 claims to the amount remitted.

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24 [2000 c 103 § 11; 1989 c 431 § 85; 1986 c 282 § 9.]

25
26 NEW SECTION RCW 70.95.298 Materials management account

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The materials management account is created in the state treasury. Receipts from fees imposed under RCW 82.18.030 must be deposited in the account. Moneys in the account may be spent only after appropriation. Fifteen percent of the funds deposited into the account shall be used by the department to implement its duties and responsibilities identified in this chapter including enforcement. No funds from this account will be spent to carry out the duties of the department funded by RCW 70.95.530. Five percent shall be used by the commission to carry out the duties and responsibilities of this chapter, RCW 81.77 and RCW 81.80 including enforcement.

Eighty percent of the funds in the account shall be directly appropriated to local governments with responsibilities required by this chapter and the plans required herein including funds for enforcement responsibilities associated with this chapter.

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